IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 26079 of 1996

Between:

1. Sri Eswar Raj, s/o late Manohar Raj, aged 62 years, r/o Shiv Bagh, Ameerpet, Hyderabad.
2. Rajeev Raj s/o Eswar Raj, R/o Shiv Bagh, Ameerpet, Hyderabad.
3. Arun Raj, s/o Eswar Raj, R/o Shiv Bagh, Ameerpet, Hyderabad.
4. Tarun Raj, S/o Eswar Raj, R/o Shiv Bagh, Ameerpet, Hyderabad
5. Dr. Neena Rohini Raj w/o Late Rohini Raj, R/o Shiv Bagh, Ameerpet, Hyderabad
6. Amrish Raj s/o late Rohini Raj, r/o Shiv Bagh, Ameerpet, Hyderabad

..... PETITIONERS

AND

1. Government of Andhra Pradesh, rep. by Secretary Revenue (UC-II), Secretariat Buildings, Hyderabad.
2. The Commissioner, Urban Land Ceilings, Hyderabad.
3. The Special Officer & Competent authority, Urban Land Ceilings, Hyderabad.
4. Vanaja Cooperative Society rep. by its person in charge Coop. Registrar (Housing) O/o Dy. Registrar of Coop. Societies, Adarshnagar, Hyderabad.
5. The Shivabagh Residents Welfare Association, Ameerpet, Hyderabad rep. by its General Secretary S.Ranga Rao, s/o Kumarasway 62 years, R/o

Plot 35, Shivabagh, Hyderabad.

(R5 is impleaded as per court order dated 13-04-2004 in WPMP.No.3802 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus directing the respondent No.1 to dispose of the Exemption Application filed by the petitioner on 23-01-1982 under Section 20 of Act 33/76 in terms of G.O.Ms.No.136 Rev. (UC.II) Department, dated 28-01-1981.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM, Advocate.

Counsel for the Respondent Nos.1 to 3: Govt. Pleader for Revenue

Counsel for respondent No.5: Smt. A/Vijayalaxmi, Advocate.

The Court made the following :

Oral Order:

Petitioners who are owners of urban land admeasuring 9 acres entered into an agreement of sale with Vanaja Cooperative House Building Society on 10-05-1981 and also filed declaration under Section 6 of Urban Land (Ceiling & Regulation) Act, 1976 (for short 'the Act') along with application for exemption under Section 20 of the Act. It is stated that draft statement under Section 8(1) and 8(3) was issued and objections were called for and after considering the same order under Section 8(4) and 9 of the Act was passed on 15-02-1994 determining excess vacant land held by the petitioners is 45,560.38 square meters followed by Section 10(1) and 10(3) on 03-09-1994 and 06-10-1994. While so, some of the members who alleged to have purchased the lands from the society filed LGC.No.246 of 1995, which was allowed on 01-03-1996. Against the same petitioners filed W.P.No.25996 of 1996, and the members who declared as land grabbers filed W.P.No.23474 of 1996. The writ petition filed by the petitioners was allowed on 16-04-2003 remitting the matter to the Land Grabbing Court. On remand, LGC dismissed the same on 31-12-2003. Pending LGC, petitioners filed the present writ petition questioning to dispose of the

exemption application filed under Section 20 of the Act in terms of G.O.Ms.No.136 dated 28-01-1981.

It is now brought to the notice of Government that Government through Memorandum dated 01-03-1995 rejected the request of the petitioners for grant of exemption under Section 20 of the Act.

Implead party petitioners who said to have been purchased the property made an application for regularization of their occupation in terms of G.O.Ms.No.455 dated 29-07-1987. In view of the fact that exemption application was already rejected even prior to the filing of the writ petition and possession was already taken by the Government, no further direction need to be issued in the writ petition to consider the exemption application.

The writ petition is accordingly dismissed. No costs. However, it is open for the petitioners to file an application before the authorities seeking exemption.

_____ A.GOPAL REDDY, J.

28-10-2004

Murthy

ASSISTANT. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Revenue (UC-II) Department, Government of Andhra Pradesh, ,

Secretariat Buildings, Hyderabad.

2. The Commissioner, Urban Land Ceilings, Hyderabad.

3. The Special Officer & Competent authority, Urban Land Ceilings, Hyderabad.

4. Two CCs to the govt. Pleader for Revenue, High Court

Buildings, Hyderabad (OUT)

5. Two CD copies.